

In re Patent Application of

Atty Dkt. 117-320

C# M#

CHATFIELD



T.C. / Art Unit: 1645

Serial No. 09/646,925

Examiner: V.L. Ford

Filed: January 31, 2001

Date: September 15, 2004

Title: BACTERIA ATTENUATED BY A NON-REVERTING MUTATION IN EACH OF THE AROC, OMPF AND OMPC GENES, USEFUL AS VACCINES

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**STATEMENT OF THE SUBSTANCE OF THE INTERVIEW**

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☐ **Correspondence Address Indication Form Attached.****Fees are attached as calculated below:**

Total effective claims after amendment 0 minus highest number  
previously paid for 20 (at least 20) = 0 x \$ 18.00 \$ 0.00

Independent claims after amendment 0 minus highest number  
previously paid for 3 (at least 3) = 0 x \$ 86.00 \$ 0.00

If proper multiple dependent claims now added for first time, add \$290.00 (ignore improper) \$ 0.00

Petition is hereby made to extend the current due date so as to cover the filing date of this  
paper and attachment(s) (\$110.00/1 month; \$420.00/2 months; \$950.00/3 months) \$ 0.00

Terminal disclaimer enclosed, add \$ 110.00 \$ 0.00

☐ First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$770.00) \$ 0.00

☐ Please enter the previously unentered, filed

☐ Submission attached

**Subtotal \$ 0.00**

If "small entity," then enter half (1/2) of subtotal and subtract -\$ 0.00

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee (\$180.00) \$ 0.00

Assignment Recording Fee (\$40.00) \$ 0.00

Other: 0.00

**TOTAL FEE ENCLOSED \$ 0.00**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

1100 North Glebe Road, 8<sup>th</sup> Floor  
Arlington, Virginia 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100  
GRT:ap

NIXON & VANDERHYE P.C.  
By Atty: Gary R. Tanigawa, Reg. No. 43,180

Signature: 



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

CHATFIELD

Appln. No. 09/646,925

Filed: January 31, 2001

Confirmation No.: 2850

Atty. Ref.: 117-320

Group Art Unit: 1645

Examiner: V.L. Ford

FOR: BACTERIA ATTENUATED BY A NON-REVERTING MUTATION IN EACH OF  
THE *aroC*, *ompF* AND *ompC* GENES, USEFUL AS VACCINES

\* \* \*

**STATEMENT OF THE SUBSTANCE OF THE INTERVIEW**

September 15, 2004

**Mail Stop Issue Fee**

Hon. Commissioner for Patent

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

With regard to the Interview Summary dated August 18, 2004, which was part of the Notice of Allowance, the following is Applicant's statement of the substance of the interview as required by the Examiner:

The undersigned authorized the Examiner to enter amendments which corrected informalities in the specification, typographical errors in claims 7 and 11, clarified that all three genes were mutated in the manner recited in claims 8-9, rejoined claim 16, and canceled claim 12 because it was not directed to the elected subject matter. Applicant does not agree with the Examiner's allegation that claim 16 is the only claim directed to a method of use which is enabled by the specification. In fact, no claim (product or method) has been the subject of an enablement rejection under 35 U.S.C. 112, first paragraph, during prosecution of this application. Therefore, there is no basis in the record for concluding that other methods of use (which are not being claimed here) are not enabled by the specification.

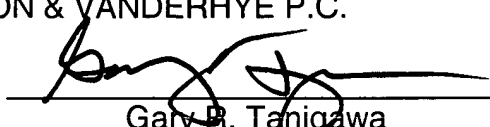
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The Examiner is invited to contact the undersigned if any further information is required to complete the record of the substance of the interview.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:

  
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Gary R. Tanigawa  
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